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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,457	01/11/2002	John David Russell	50277-1732	8504

29989 7590 03/01/2005

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EXAMINER

PITARO, RYAN F

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,457

Applicant(s)

RUSSELL, JOHN DAVID

Examiner

Ryan F Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 1 is rejected under 35 U.S.C. 101 because the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-26 have been rejected under 35 U.S.C. 102(b) as being anticipated by Examiner's Automated Search Tool ("EAST", User's Manual for the Examiners Automated Search Tool).

As per independent claim 1, EAST discloses a method of depicting a plurality of items and how said plurality of items satisfy multiple criteria, the method comprising the steps of: displaying in a particular order a list of visual indicators (Page 9 Figure 9.1 item 75), wherein the particular order indicates how a plurality of items satisfy a first criteria (Page 9 Figure 9.1 item 45; *wherein indicators are ordered by title alphabetically*); detecting input indicating the selection of a second criteria (Page 9 Figure 9.2 item 50); and while retaining said particular order, displaying a visual indication of how said plurality of items satisfy a second criteria (Page 9 Figure 9.2 item 50).

As per claim 2, which is dependent on claim 1, EAST discloses a method wherein the steps further include a browser receiving a self-contained page (Page 9 Figure 9.1 item 75; *wherein page is result of a query (item 10) to a database (item 20)*) ; and wherein the steps are performed by said browser in response to executing said self-contained page, without said browser having to interact over a network with a server to determine how said plurality of items satisfy said second condition (Page 9 Figure 9.1-9.2; *wherein second condition is user specified by checking boxes in column 1 (item 30)*).

As per claim 3, which is dependent on claim 2, EAST discloses a method wherein the step of the browser receiving the self-contained page includes the browser receiving the self-contained page over the network from the server (Page 9 Figure 9.1 item 75; *wherein page is result of a query (item 10) to a database (item 20)*).

As per claim 4, which is dependent on claim 2, EAST discloses a method wherein the step of the browser receiving the self-contained page includes said browser

causing said self-contained page to be read from removable computer-media (*wherein it is inherent that the results come from a repository stored on a server's medium i.e. hard drive or tape*).

As per claim 5, which is dependent on claim 1, EAST discloses a method wherein the step of displaying a visual indication includes displaying one or more other visual indicators visually associated with a subset of items that satisfy said second criteria (Page 9 Figure 9.2 item 50).

As per claim 6, which is dependent on claim 1, EAST discloses a method wherein the step of displaying a visual indication includes altering the visual appearance of one or more visual indicators from said list of visual indicators (Page 9 Figure 9.2 item 50).

As per claim 7, which is dependent on claim 1, EAST discloses a method wherein said first criteria is based on an alphabetic order of names associated with said plurality of items, and the particular order of the list of visual indicators indicates the alphabetic order of the name of the items (Page 9 Figure 9.1 item 45;*wherein indicators are ordered by title alphabetically*);

As per claim 8, which is dependent on claim 1, EAST discloses a method wherein the step of detecting input indicating the selection of a second criteria includes detecting input selecting a particular category of a plurality of categories (Page 9 Figure 9.1-9.2; *wherein second condition is user specified by checking boxes in column 1 (item 30)*); and the step of displaying a visual indication of how said plurality of items satisfy a second criteria includes displaying a visual indication of which items of said plurality of

items belong to said particular category (Page 9 Figure 9.2 item 50, the category being item 30; *categories can be defined by the user Page 3*).

As per claim 9, which is dependent on claim 8, EAST discloses a method wherein said step of detecting input selecting a particular category includes detecting that a user has selected said particular category as a selection in a list box listing said plurality of categories as selections (Page 9 Figure 9.1-9.2; *wherein second condition is user specified by checking boxes in column 1 (item 30)*).

As per claim 10, which is dependent on claim 1, EAST discloses a method detecting input indicating the selection of a third criteria (Page 10 Figure 10.1 item 60); and while retaining said particular order, displaying a visual indication of how said plurality of items satisfy said third criteria, wherein said third criteria is different from said second criteria (Page 10 Figure 10.1 item 60; *categories can be defined by the user Page 3*).

As per independent claim 11, EAST discloses a method ~~A method~~ of generating ^{✓✓} a page this causes a browser to depict a plurality of items and how said plurality of items satisfy multiple criteria, the method comprising the steps of: generating first page elements that cause said browser to display in a particular order a list of visual indicators (Page 9 Figure 9.1 item 75), wherein the particular order indicates how said plurality of items satisfy a first criteria (Page 9 Figure 9.1; *wherein the indicators are result of a query alphabetized by title item 45*) ; generating one or more second page elements that enable the browser to receive user input indicating a selection of one or more criteria of a plurality of criteria (Page 9 Figure 9.1 item 30) ; and generating third

page elements that cause the browser to display, for each particular criterion of a plurality of criteria, a visual indication of how said plurality of items satisfy said particular criterion, without changing said particular order, in response to receiving user input indicating a selection of said particular criterion (Page 9 Figure 9.2 item 50).

As per claim 12, which is dependent on claim 11, EAST discloses the steps further include issuing a query to a database system that stores information about said plurality of items (Page 9 Figure 9.1 item 10), wherein said query requests data that may be used to determine which set of items of said plurality of items satisfy a first criterion of said plurality of criteria (Page 9 Figure 9.1 item 75); receiving results of the query from the database system (Page 9 Figure 9.1 item 20); and wherein the step of generating third page elements is based on an examination of the results (Page 9 Figure 9.1).

As per claim 13, which is dependent on claim 11, EAST discloses a method including performing an examination of contents of said plurality of items to determine which of said plurality of elements satisfy a particular criteria of said plurality of criteria wherein the step of generating third page elements is based on said examination of the contents (Page 9 Figure 9.1; *wherein the user assigns the indicator which interests him/her.*

Claim 14 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

Claim 16 is similar in scope to that of claim 3, and is therefore rejected under similar rationale.

Claim 17 is similar in scope to that of claim 4, and is therefore rejected under similar rationale.

Claim 18 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 6, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 7, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 8, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to that of claim 9, and is therefore rejected under similar rationale.

Claim 23 is similar in scope to that of claim 10, and is therefore rejected under similar rationale.

Claim 24 is similar in scope to that of claim 11, and is therefore rejected under similar rationale.

Claim 25 is similar in scope to that of claim 12, and is therefore rejected under similar rationale.

Claim 26 is similar in scope to that of claim 13, and is therefore rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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